must be joined as a nominal plaintiff or defendant. *Solte v. Karren* (1917, Tex. Civ. App.) 191 S. W. 600; *Thompson v. Southern Lumber Co.* (1914) 113 Ark. 380, 168 S. W. 1068; *contra, Lindsey v. Danville* (1873) 46 Vt. 144. The principal case could be supported on this ground alone. It is believed, however, that as the wife's action was for injuries and the husband's for loss of service, the causes of action cannot be considered identical, although both are based on the same facts. See *Fish v. Vanderlip* (1915, N. Y.) 170 App. Div. 780, 156 N. Y. Supp. 38; *Bradshaw v. Lancashire etc. Ry. Co.* (1875, C. P.) L. R. 10 C. P. 189. If the act of the defendant injures two primary rights of the plaintiff, it is usually held that the latter may maintain two different actions. *Brunsden v. Humphrey* (1884, C. A.) 14 Q. B. D. 141; *Reilly v. Sicilian Asphalt Co.* (1902) 170 N. Y. 40, 62 N. E. 772; *contra, King v. Chicago, M. & St. P. Ry. Co.* (1900) 80 Minn. 83, 82 N. W. 1113. *A fortiori,* when the rights violated belong to different parties. See *Mahoning Valley Ry. Co. v. Van Alstine* (1908) 77 Oh. St. 395, 83 N. E. 601. The doctrine of *res judicata* was established to protect a wrongdoer against vexatious suits, *"nemo bis vexari debet pro una et eadem causa";* applied for that purpose it is very beneficial, but it should not be used to relieve the plaintiff from proving his case.

TORTS—RIGHT OF PRIVACY—EXHIBITING MOVING PICTURE OF PLAINTIFF WITHOUT HER CONSENT.—While the plaintiff was in the defendants' store purchasing goods, the defendants without her knowledge caused moving picture films of her face and figure to be taken, and later procured the films to be enlarged and exhibited in a moving picture theatre to advertise their wares. The plaintiff alleged that all this was done without her consent and that it caused people to believe that she had for hire permitted her picture to be taken and used as a public advertisement. The answer was a general denial. No proof of special damages was offered and the trial court sustained a demurrer to the evidence. *Held,* that the defendants' acts were a violation of the plaintiff's right of privacy and entitled her to recovery without proof of special damage. *Kunz v. Allen* (1918, Kan.) 172 Pac. 532.

See COMMENTS, p. 269.

UNFAIR COMPETITION—SIMILARITY IN APPEARANCE OF PRODUCT—"SHREDDED WHEAT" CASE.—The plaintiff corporation manufactured a shredded wheat biscuit of a peculiar size, form, color and appearance, which had become well-known to the public as coming from a single source. It owned patents covering the same. On the expiration of the patents, the defendants began to manufacture and sell wheat biscuits of exactly the same size, shape and appearance, but put up in a distinctive package. Restaurants sold the biscuits to patrons who did not see the original package. *Held,* that the plaintiff was entitled to have the defendant mark each biscuit intended for ultimate sale outside the package with some mark which would enable the purchaser readily to distinguish it from the plaintiff's product, unless after a probationary period of six months the defendant could show that such marking was not commercially practicable. Ward, J., *dissenting. Shredded Wheat Co. v. Humphrey Cornell Co.* (1918, C. C. A. 2d.) 250 Fed. 960.

The law relating to "unfair competition" is quite modern. No reference to it will be found, for example, in the early editions of such works as Pollock's *Law of Torts.* The harm sought to be prevented is not competition, but inducing persons to buy the defendant's goods by representations that they are the plaintiff's. Accordingly all that a plaintiff can ask is that, so far as is con-